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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 825,446	04 04 2001	Keishi Nakamura	010481	1801

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EXAMINER

EASTHOM, KARL D

ART UNIT	PAPER NUMBER
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2832


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16

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No <b>09 825,446</b>	Applicant(s) <b>Nakamura et al.</b>
Examiner <b>Karl Easthom</b>	Art Unit <b>2832</b>



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  
If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  
If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  
Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. (See 37 CFR 1.704.b)

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 29, 2002
- 2a) This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12, 14-18, and 20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 11, 14-18, and 20 is/are rejected.
- 7) ☒ Claim(s) 7-10 and 12 is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are a) \_\_\_\_\_ accepted or b) \_\_\_\_\_ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) \_\_\_\_\_ approved b) \_\_\_\_\_ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some\* c) None of:  
1) Certified copies of the priority documents have been received.  
2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>c</sup> of this title before the invention thereof by the applicant for patent.

2. Claims 1-4, 6, 11, 14-18 and 20 are rejected under U.S.C. 102(e) as being anticipated by Smejkal et al. Smejkal discloses the claimed invention at Fig. 3( prior to being cut as seen in Fig. 6A) with resistive alloy 28, and copper electrode strips 30,32, and the diffusion layer is created by the cladding process disclosed at col. 3, lines 3-12, where the joining by the high pressure necessarily results in diffusion else the materials would not be joined. Prior to trimming, as in Fig. 4, there is a straight and uniform current path. Or alternatively, trimming is performed only if the desired resistance is not high enough, such that a noncut resistor is disclosed because any desired resistance is contemplated, see col. 3, lines 43-55, where "each body is adjusted to its desired resistance value". That is, if the resistance value in the uncut resistor is desired, it is not adjusted. In claim 3, one cut which could lead to a desired resistance value means the current direction is "hardly effected" as compared to more cuts since the term is one of degree. It is along a direction of current flow when it flows to the right or left as seen at Fig. 5.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 11, 14-18 and 20 are alternatively rejected under 35 U.S.C. 103(a) as obvious over Smejkal et al. in view of Szwarc et al. Smejkal et al. discloses the claimed invention as noted above, where here, it is arguendo assumed that the trimming cuts 54 at Fig. 5 render the claims unmet due to the resulting nonuniform current path. (Note however that at least claim 1 would still be met by the unfinished product at Fig. 3 of Smejkal prior to trim cutting.) Szwarc discloses minimizing trim cuts at col. 1, lines 55-67 such that it would have been obvious not to form a cut when the resistor met the desired value in order to minimize process steps.
5. Claims 7-10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Primarily, the claimed limitation of the two bonding electrode disposed at both ends of a surface opposite to the first surface having the electrodes in the claimed combination is not disclosed or suggested.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.